

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ALVIN HENRY WHITESIDE,

Defendant.

NO. CR09-116JCC

STIPULATED MOTION TO DISMISS
SUPERVISED RELEASE VIOLATION
PETITION; MOTION FOR RELEASE

Note on Motion Calendar:
September 11, 2019

The United States of America respectfully moves to dismiss the Petition for Warrant or Summons for Offender Under Supervision, Dkt. # 75 dated September 1, 2019. The Petition alleges that Defendant committed the crime of Assault on or about that same date. Defendant had his initial appearance on the violations on September 3, 2019, denied the violation, and was ordered detained. An evidentiary hearing has not yet been set.

At the initial appearance, the victim of the alleged assault addressed the Court and recanted, flatly contradicting statements made to both local law enforcement and to the Probation Office. The victim has since repeated that recantation both to local law enforcement and to the Probation Office. Based on the Probation Office's investigation

1 and a review of the reports, the government does not believe it can otherwise prove the
2 violation.

3 Defense counsel AFPD Gregory Murphy has reviewed this motion and approves.

4 For the above reasons, the government respectfully moves the Court to dismiss
5 these violations and order Defendant's release. The government asks that Probation be
6 allowed to reassert this alleged violation conduct should facts change in the future.

7 Dated this 11th day of September, 2019.

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9 United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

/s/Karen Wolgamuth

KAREN WOLGAMUTH

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